

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION

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WASEEM DAKER,

*Plaintiff,*

v.

Commissioner TIMOTHY WARD, *et al.*,

*Defendants.*

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CIVIL ACTION NO.  
5:22-cv-00343-TES-CHW

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ORDER

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Before the Court is Plaintiff Waseem Daker's Motion to Vacate [Doc. 16].<sup>1</sup> In his Motion, Plaintiff asks the Court to vacate its previous Order [Doc. 9] adopting the magistrate judge's Recommendation [Doc. 6] to dismiss Plaintiff's case. Plaintiff argues that the Court's prior Order did not appropriately consider his Objections [Doc. 12]. [Doc. 16, p. 2]. However, the Court did, in fact, vacate its prior Order and Judgment sua sponte after it received Plaintiff's Objections.<sup>2</sup> In light of Plaintiff's Objections, the Court completed a de novo review of the magistrate judge's Recommendation—including considering the arguments Plaintiff asserted in that filing—before issuing its final Order

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<sup>1</sup> Plaintiff's Motion is fully captioned as "Fed.R.Civ.P. 59(e) Motion to Vacate and Reconsider March 7, 2023 Order (Doc. 9) and Judgment (Doc. 10)." [Doc. 16 (capitalization adjusted)].

<sup>2</sup> [Doc. 13, p. 1 ("However, because Plaintiff's Objections were timely filed on March 2, 2023, the Court VACATES its prior Order [Doc. 9] and Judgment [Doc. 10].")].

[Doc. 13] and Judgment [Doc. 14] dismissing Plaintiff's case.

The Court issued and mailed the latest Order on April 3, 2023, and Plaintiff mailed the instant Motion on April 4, 2023. [Doc. 13]; [Doc. 16, p. 6]. Therefore, it seems likely that Plaintiff hadn't received the Court's last Order before filing the present Motion. Accordingly, the Court **DENIES** Plaintiff's Motion to Vacate [Doc. 16] as **MOOT**.

**SO ORDERED**, this 10th day of April, 2023.

S/ Tilman E. Self, III

**TILMAN E. SELF, III, JUDGE**

**UNITED STATES DISTRICT COURT**